IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 38 OF 2007
IN
WRIT PETITION NO. 2150 OF 1998

Shri Rajaram Babu Kokate and anr. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

WITH
REVIEW PETITION NO. 39 OF 2007
IN
WRIT PETITION NO. 2059 OF 1998

Shri Sunil Dashrath Mohare and anr. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. B.S. Apte, Senior Counsel with Smt. S.S. Deshpande for the petitioners.

Mr. N.P. Deshpande, AGP for State.

CORAM: B.H. MARLAPALLE & J.H. BHATIA,JJ.

Date : April 04, 2007.

P.C.:

1. Heard Mr. Apte, the learned Senior Counsel for the review petitioners. By our Judgment dated 19/1/2007 we had decided a batch of writ petitions, including the above mentioned two writ petitions, in which these review petitions have been filed. We

held, inter alia, that the unpaid candidates who were covered by the G.Rs. dated 21/10/1995 and 22/10/1996 could not be held to be backdoor entrants, whereas those unpaid candidates, who came to be appointed from 13/2/1987 onwards have been held to be back-door entrants and thus not eligible or entitled for seeking the relief of regularisation of their service. We have also held that those unpaid candidates who were appointed prior to 13/2/1987 are entitled for regularisation. This view is based on the decision of the Supreme Court in the case of Secretary, State of Karnataka & Ors. vs. Umadevi & Ors. **[(2006) 4 SCC 1]** as well as the other decisions in regard to the temporary appointees under the State Government.

2. In these review petitions the petitioners have prayed for recall of our decision dated 19/1/2007 regarding those unpaid candidates who came to be appointed from 13/2/1987 onwards. Mr. Apte, the learned Senior Counsel has invited our attention to the GRs dated 21/10/1995, 22/10/1996 and 10/3/2005 as well as the Circular dated 13/2/1987 issued by the Revenue Department of the Government of Maharashtra. He has also referred to the letter dated 31/8/1989

addressed by the Resettlement Commissioner and Director of Land Records, Maharashtra State and submitted that for the first time it was brought to the notice of the officers of the rank of Deputy Directors at various Revenue Division Headquarters that the recruitment of the unpaid candidates was banned.

3. We have considered the arguments advanced by Mr.Apte the learned Senior Counsel and we are satisfied that there is no case made out to review our Judgment dated 19/1/2007 in any manner. We have also perused the grounds of review as set out in these review petitions and in our considered opinion the Judgment under review does not call for reconsideration.

4. Hence, the review petitions are rejected.

5. Mr. Apte the learned Senior Counsel, at this stage, submitted an oral application for extending the stay granted to the operation of our decision under review. Mr. Deshpande, the learned AGP, also informed us the decision of the State Government to

challenge our judgment dated 19/1/2007 before the Apex Court, and he also prays for the stay to be continued.

. Hence, the stay granted by us on 19/1/2007 is further extended for a period of eight weeks.

(J.H. Bhatia,J.) **(B.H. Marlapalle,J.)**